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scope of Rosenthal's invention. Also the statistical analysis referred to in Rosenthal's invention (Rosenthal [0125][0134]) compares a participant's results with previous results from the same participant and not with like minded individuals or entities, as with the current invention. An assessment outside of this scope is only provided by "extrapolation" techniques (Rosenthal [150]-[153][0165]) which is another one of the disadvantages of state-of-the art questionnaire techniques as it is not an exact science. This is described and addressed fully in the Background and Brief Summary of the current invention.

Also Rosenthal's invention is able to provide a form of ranking of results (Rosenthal, [0176]-[0177]) but this has no basis as it can not be guaranteed nor is there provision for guaranteeing, that the participants all answered the same set of questions, which would be necessary for a meaningful ranking.

The current invention was created to overcome these exact problems with state-of-the-art questionnaires, meaning the Claim Rejection has no basis.

### ***Claim Rejections – 35 USC § 103***

**Claims 1-3, 5, 7-10 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal et al. (US 2002/0133502 A1) in view of Williams et al. (US 6,658,391 B1).**  
The reason for the rejection of claims 1-3, 5, 7-10 and 20-22 is respectfully traversed.

#### **Re Claim 1:**

The assertion from the Examiner that Rosenthal's invention in combination with Williams' invention anticipates Claim 1 of the current invention is incorrect for the following reasons:

Rosenthal's invention is a methodology for a state-of-the-art questionnaire which can be used for a state-of-the-art satisfaction survey with all the limitations and inaccuracies of

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at the time of the invention to a person having ordinary skill in the art to base the second set of questions on the same statements as the first, as to do so with the type of question selected (a selection type) would mean asking exactly the same questions twice.

Also the type of question selected in Williams' invention intended to measure the rational response of the respondent is a selection type, where a value between one and seven is chosen by a respondent (Williams, col 5, lines 62-64). As discussed in the current invention ([0016]-[0017]), this form of question is easily influenced by human emotion. This therefore obviously calls into question the validity of the rational responses of Williams' invention. As such, none of the individual steps as listed in the Claim are anticipated by Rosenthal et al. in view of Williams et al., nor could it have been obvious at the time of the invention to a person having ordinary skill in the art, the claim rejection has no basis.

Re Claim 2:

The assertion from the Examiner that Rosenthal's invention in combination with Williams' invention anticipates Claim 2 of the current invention is incorrect for the following reason:

Rosenthal's invention groups questions into sets which may be ordered in any logical manner (Rosenthal [0072]). They are not, however, ranked according to their importance to the subject matter being surveyed, as with the current invention. In fact to rank the questions in a set would not bring any benefit to Rosenthal's invention, as the questions are never compared with each other mathematically.

Re Claim 3:

The assertion from the Examiner that William's invention in combination with Williams' invention anticipates Claim 3 of the current invention is incorrect for the following reasons:

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“weighting” means different things in Rosenthal’s invention and the current invention. This would be evident at the time of the invention to a person having ordinary skill in the art. In addition, in the current invention the emotional responses are ranked at the time of the questionnaire survey and this ranking is used to define the questions to be asked for the second part of the questionnaire. In contrast, Rosenthal’s invention refers to the ranking of the results of the questionnaire with other respondents’ results and can only be performed after a plurality of respondents have completed the questionnaire. Once again this would be evident at the time of the invention to a person having ordinary skill in the art.

Re Claim9:

The assertion from the Examiner that Rosenthal’s invention in combination with Williams’ invention anticipates Claim 9 of the current invention is incorrect for the following reasons:

Rosenthal uses “weighting” in his invention to prioritise the next pre-defined question to pose to the respondent (Rosenthal [0123]. In the current invention the “weighting” of the rational response is calculated based on the responses to the second set of questions and is stored in order to calculate a value for a “Level of Conviction” at the end of the survey. Thus the term “weighting” means different things in Rosenthal’s invention and the current invention. This would be evident at the time of the invention to a person having ordinary skill in the art. In addition, in the current invention the rational responses are ranked at the time of the questionnaire survey and this ranking is used to calculate a value for respondent satisfaction. In contrast, Rosenthal’s invention refers to the ranking of the results of the questionnaire with other respondents’ results and can only be performed after a plurality of respondents has completed the questionnaire. Once again this would be evident at the time of the invention to a person having ordinary skill in the art.

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meaningful and accurate output from a satisfaction survey. Even Rosenthal's invention uses the same state-of-the-art questionnaire techniques which also do not lend themselves to producing a satisfaction survey, so that at the time of the current invention it would not be able to combine the processes for both inventions in order to produce a process with the advantages of the current invention.

The Examiner additionally incorrectly states that "Williams teaches Rosenthal's deficiency; specifically, basing the said two sets of questions on similar statements, but posed differently..." This is not the case, as both the first set and second set of questions use a different statement which are deliberately not similar (Williams col 5 Lines 1-5; col 5 lines 22-25). If these were the same, the invention would ask the same question twice, thereby defeating the object of the questionnaire.

Furthermore Williams correctly states that "Considerable research and academic study has led to the development of multiple factor models for predicting human behavior..." (Williams col 2 lines 35-37) but unfortunately the invention doesn't apply this research to its conclusion as in the current invention. In addition Williams states in his Abstract, that "The data are further analyzed to determine the participants' impression of how closely reality meets the ideal, based on impressions and experience". As the output of Williams invention is an "impression" which is an emotional response (as is "experience"), it can not be used to determine or be used as the basis for determining a respondent's satisfaction, which by definition is how well a respondents emotional and rational feeling match, as applied in the current invention.

Re Claim 22:

The assertion from the Examiner that Rosenthal's invention in combination with Williams' invention anticipates Claim 22 of the current invention is incorrect for the following reasons: